

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 DENNIS W. SOMERVILLE,

8 Petitioner,

9 v.

10 WARDEN MARTINEZ, *et al.*,

11 Respondents.

Case No. C06-5363RJB/KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION

12 The Court, having reviewed the Report and Recommendation, petitioner's application to
13 proceed *in forma pauperis*, and the remaining record, hereby finds and ORDERS:

14 (1) the Magistrate Judge's report and recommendation is approved and adopted;
15 (2) petitioner's application to proceed *in forma pauperis* is DENIED;
16 (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30
17 days of the date of this Order, otherwise this action will be dismissed; and
18 (4) the Clerk is directed to send copies of this Order to petitioner and any other party that
19 has appeared in this action.

20 DATED this 21st day of August, 2006.

21
22 
23 Robert J Bryan
24 United States District Judge